

Appl. No. 09/176,634  
Amdt. dated Dec. 31, 2003  
Reply to Office Action of August 13, 2003

### **REMARKS/ARGUMENTS**

Reconsideration is requested of the rejection of claim 36 as now amended and to the objection to the specification.

As is evident from Figures 20 and 21 of the drawings, there are shown two elasticized barrier layers which define opposed concave segments at the lateral edges of the absorbent article. While claim 36 referred to both concave and convex elasticized barrier layers, Figures 20 and 21 clearly illustrate that they are both concave and hence claim 36 has been corrected accordingly.

Claim 36 has been rejected under 35 U.S.C. 112, second paragraph. The claim has now been amended to overcome the objection to the use of the term "convex" for the second elasticized barrier layer. Claim 36 has also been amended to define the article itself by longitudinal sides as suggested by the Examiner at page 3, first paragraph, of the Action.

Claim 36 has also been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,494,872 (Suzuki et al.) This reference does not anticipate the article defined by the claim in this application, and the article defined by present claim 36 is not obvious from the disclosure of this reference.

While the Suzuki et al. reference discloses a diaper with pockets, clearly it does not disclose or even suggest a diaper structure which even remotely resembles the absorbent article defined by claim 36 of the present application.

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The differences are at once discernable from comparison of the drawings illustrating the absorbent article in Suzuki et al. and the absorbent article shown in Figures 20 and 21 of the present application. The differences are further highlighted by description of the Suzuki et al. invention, in column 2, lines 3-47 which discloses:

In accordance with the present invention, There is provided a diaper having a pocket structure wherein an absorbent body is interposed between a liquid-impermeable backsheet and an apertured hydrophobic topsheet to form front and rear waist end portions and side crotch portions of a diaper. The hydrophobic topsheet comprises two separate sheets each having a concave portion and convex portions. The two sheets are arranged to face each other so that respective convex portions thereof partially overlay each other at front and rear end portions of the diaper to form pocket portions. A concave edge portion of each sheet is folded over by a predetermined width to enclose an elastic member so that the folded-over portions that face each other define an apertured portion therebetween. (Emphasis supplied).

Also, in the diaper of Suzuki et al., the topsheet comprises two separate sheets, and the two sheets intersect each other only at the waist portion and there is no double barrier layer in the crotch portion.

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In sum, the Suzuki et al. References does not anticipate applicants' claim 36, nor can this referenced be relied on to show obviousness of the article defined by this claim.

The remaining references, which were cited but not applied against this application, have been reviewed by they care not relevant or applicable to the present invention.

In view of the foregoing amendment and remarks, a favorable action is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James W. Badie', is written over a horizontal line.

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